52/8

App. F. IX-4

Previous References.

1956-57
(C.B.)

File No. 407-58

Serial Nos. /

Later References.

/

GENERAL AND REVENUE SECRETARIAT

Serial Nos. One

Part B for March 57.

SUBJECT

Encroachment on the Vacant land in the premises of the Police Lines opposite to the Electric 'A' Station Bangalore city.

No. 17553/CB/957 3rd March 1957

To The Inspector General of Police.

Direct that action to be taken under the Land Revenue Code by the DC in the first instance.

WD 010861—GPB—25,000—18-9-50.

WD 010975—GPB—2,000—20-7-50

Serial No.

Confidential letter no. B.C. 11/49-50 dtd Dec 1950 from the I.G. of Police reporting that there is encroachment on the vacant land in the premises of the Police Lines opposite to the Electric 'A' Station Bangalore City and that Janab Vazeer Ahmed, Asst Comr is abusing his official position in abetting the encroachment and requesting orders of Govt for proceeding against the offenders in a court of law, if necessary to prevent the encroachment and in the matter of noticing the conduct of Janab Vazeer Ahmed Asst. Comr in this affair.

Remark of the Chief Secy on it:

"Why address Chief Secy? We can't act on surmises and suspicions. We can take action if necessary, when final orders are obtained in the appropriate Court. If necessary, the I.G.P may write to the concerned Administrative Secy"

Intld. K.S. 13-12-50

2) Prevention of encroachment on govt. land vests with the Rev. Dept. If approved, the I.G.P. may be advised to obtain in the first instance the opinion of the Rev. Court in the matter of proceeding against the offenders in a civil court and then address the Govt in the Rev. Dept if necessary.

3) A draft reply to the I.G. of Police is

NOTE—Contn. Sheet.

Encroachment of land and the premises of the Power Line opposite to the Elec. 'A' Station Bangalore city.

File No. 5218/C.B 40 of 19

General and Revenue Secretariat

Serial No.

put up for approval.

MB
20.12.50

4) Before sending a reply to the D.G.P., the Law Branch may be consulted as regards the course of action to be followed for remedying the alleged encroachment on Govt. land.

3) For favour of remarks

Under Secy
Law w/c

20.12.50.

SMR
21.12.50

5) It has to be established that the land in question belongs to Government. It is not clear how the party was paying assessment and how long he has been in possession of the same.

7) If the party has tresspassed on Government land, suitable action could be taken under the Land Revenue Code for eviction. If it does not succeed a suit appears to be the proper remedy. The question may, perhaps, be examined after fuller details are made available.

8) The Advocate-General may also be consulted.

Law Secy) 28/12

3/1

4/1

M.O.No. 146

Dated 4-1-51

10) Forwarded with Compliments to the Advocate-general in Mysore, Bangalore for favour of Opinion.

B-O.

For Secy to Govt
Law Dept
4/1

D.500. 848/50-37
4-1-51

No. Do. 163
50-57
dt 9.1.51

Returned with compliments.

1) It is stated that the land on which the mosque is constructed was originally S. No. 34 and that one Subhanhalli Khan was mentioned in the revenue records as its holder. It is not very clear whether the land on which the encroachment is now said to have been made, is part of that S. No. or outside it. The only evidence produced on behalf of the Mosque in support of its title to the property consists of a few Municipal receipts, the exact nature of which is not known. The materials now available are not quite enought (to enable me) to reach a definite conclusion one way or the other, although it appears that the Mosque has not much proof in its possession of its title to the property. If there has been, in fact, an encroachment on Government property by the Mosque, it is open to the Deputy Commissioner to take possession of the property encroached upon after an enquiry under the provisions of the Land Revenue Code and to clear the land of all constructions thereon. This seems to (me) a simpler course than the institution of suit, which remedy is also available for this purpose.

Advocate-General.
9.1.51

H/9.1.51.

2) The opinion of the Advocate-General is for ~~perusal~~ perusal. ~~In circumstances~~, as already suggested suitable action may be taken under the Land Revenue Code by the Deputy Commissioner, in the first instance.

13.

Encroachment of Govt land in the premises of the Police Lines opposite to the Electric 'A' Station Bangalore City - 5218/C.B

14) A revised draft letter to the I.G.P. on the lines indicated by the Law Dept is put up for approval.

nvb
27.2.57

Please put up a fair draft.

A fair draft is put up -

27.2.57.

nvb
28.2.57

19) Chief Secy)

Smk
28/2/57

28.2.57.

CHIEF SECRETARY
109 Rs
2-3-57
GOVT OF MYSORE

16) NBS
2/3/57
am
4/3/57

Confidential letter no. 17553/C.B dy 3-3-57 to the I.G. of Police

Sly

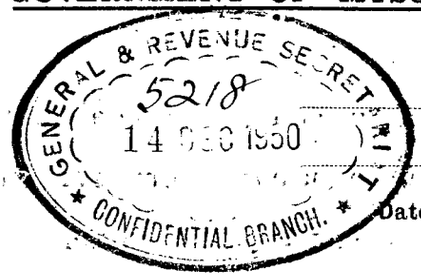
C. F. No. 45]

GOVERNMENT OF MYSORE

Tele gram / phone

OFFICE OF

THE INSPECTOR-GENERAL OF POLICE IN MYSORE, BANGALORE.



No. BC. 11/49-50
Encls. 1
CONFIDENTIAL

Date December 1950.

To

The Chief Secretary

to the Government of Mysore, Bangalore.

Sir,

Encroachment on the vacant land in the premises of the Police Lines opposite to the Electric "A" Station, Bangalore City.

1) I write to bring to the kind notice of Government that in the vacant space to the north East of Police Lines, a building is in existence for some time past in the occupation of Janab Vazeer Ahmed and a few others who are said to be in charge of the management of the Mosque situated closeby.

2) In July 1946, construction of a few shops and extension of the building was taken up and necessary building materials were collected in the said space. Thereupon, the Executive Engineer, Buildings Division, was addressed to arrange for the immediate demarkation of the land belonging to the Police Lines and the Mosque in question. The Municipal authorities, Bangalore City, were also requested to direct the authorities of the Mosque to stop further construction of the structure pending final decision in the matter. On a reference from this office about the land over which the construction had come up the Deputy Commissioner, Bangalore District, intimated after due enquiry that among other things, the Mosque in question was a private Institution and that the authorities of the Mosque did not possess any documentary evidence to show that the land on which the construction was proposed, belonged to them and that references were not available in Taluk Office to facilitate the demarkation of the land as proposed, in the absence of necessary data. He was also of opinion that unless the authorities of the Mosque produced satisfactory documentary evidence for the ownership of the land in question, no license for the construction proposed should be granted. The Deputy

Commissioner, also addressed the Municipal authorities intimating that no documentary evidence was forthcoming to show that the vacant site on which the building was proposed to be built, belonged to the Mosque and requested them not to grant the license for the construction and to make effective arrangements for keeping watch on the spot so that no construction may take place in the locality. A suggestion was also made to the Municipality to consider the land as Municipal property.

3) Further enquiries in the matter disclosed that the building in question may have been constructed for the Pesh Imam of the Mosque about 70-80 years ago and now by effecting some unauthorised alteration, a Cycle shop and a petty Shop were opened in the same building and they were rented out by the so-called Mosque authorities.

4) The President of the mosque, Janab Vazeer Ahmed, Assistant Commissioner, Mysore Civil Service, stated that the assessment for the building was being paid out of the Mosque funds since a long time and that all the Muslim Military officers who were in charge of the management some years ago are now no more and that he has now not in possession of any documents except a few Municipal receipts for having paid the assessment. It was further ascertained that Janab Vazeer Ahmed applied on 5-5-1946 to the Municipal authorities for a license to construct the building near the mosque and he was asked by the Municipal authorities to produce Khata transfer certificates which he could not do. Again he applied on 5-3-1948 for a reconsideration of the question when permission was refused on the ground that no residential quarters could be allowed to be built in that area.

5) For a further clarification of the issue, the Superintendent of Land Records, Survey and Settlement, Bangalore, was addressed to furnish the particulars of the survey

survey Nos. as on 1917-18 with a sketch of the said area and particulars regarding the ownership and other details and a reply was received that in the Phaisal patrika. Survey No.34 is noted in pencil as having been included in the Pettah Area. As the survey was done in 1900 and no survey or other records relating to this area was dealt with during 1917 or thereabouts, particulars of owners etc., as on 1917-18 were not available in that office. However, in the Prathi book of 1870, the holder's name has been mentioned as Subhanhalli Khan and as there were no hissas in survey No.34, no tippan or sketch relating to survey No.34 was available in that office.

6) The Executive Engineer, Buildings Division, Bangalore, after inspecting the spot reported that the construction was an unauthorised one. The plinth area of the building was 33 x 23 ft = 759 Sq.ft. and it was situated about 99 ft. from the Mosque to its North. The land on which the private building was constructed belonged to Government, since it came within the compound of the Police lines and that private persons had no right to construct the building on Government land and that Government compound was broke open to make passage to the shops. Since the above facts constituted tresspass on the Government land, and as the payment of taxes by a party cannot imply ownership and as ownership of Government could under any circumstances oust out the unauthorised possession however long the period may be, action to evict the parties was contemplated upon as the alleged possession was not covered by any title deeds to establish the claim for the vacant land on which the mosque and the shops have been constructed. The Deputy Commissioner, Bangalore District, also ordered that the vacant land adjacent to the Mosque did not belong to it.

7) Janab Vazeer Ahmed probably taking advantage of his Official position and with the concurrence of his co-religionists got converted the old mantap into shops and broke open the

compound for gaining entrance to the said shops without licence or authority. As the authority raising of the old mantap on Government land and that too within the premises of the Police Lines is unauthorised, I request that Government may be pleased to order the removal of the building, since it is an encroachment upon Government land, or such legal procedure as may be deemed necessary may be followed to evict the occupants and to dismantle the building in consultation with the Advocate General if necessary. Early orders of Government in the matter are solicited, since the parties are likely to extend the building unnoticed or effect such other alterations to suit their convenience and thus establish a right over the property.

8) I am afraid that Janab Vazeer Ahmed appears to be abusing his official position in influencing an unhappy course of action which might lead to serious communal tension in the course of time. I suggest therefore that Government may be pleased to take notice of his conduct and take such other suitable action for his voluntary interference in this affair.

Yours faithfully,

Inspector General of Police.

M.B.)

No. 17553/Ca Dt 3/3/51

CONFIDENTIAL

To

The Inspector-General of Police
in Mysore, Bangalore.

Sir,

Subject: Encroachment on the vacant land in the premises of the Police Lines opposite to the Electric 'A' Station, Bangalore City.
Ref: Your Confidential letter No.11/49-50 dated 12th December 1950.

*****

~~Government are advised that~~ It has to be first established that the land in question belongs to Government before any action is taken. It is not clear how the party was paying assessment and how long he has been in possession of the same. This enquiry may be done.

If the party has trespassed on Government land, suitable action could be taken under the Land Revenue Code for eviction. If it does not succeed, a suit appears to be the proper remedy.

It is stated that the land on which the mosque is constructed was originally S.No.34 and that one Subhan Kali Khan was mentioned in the revenue records as its holder. It is not ~~very~~ clear whether the land on which the encroachment is now said to have been made, is part of that S.No. or outside it. The only evidence produced on behalf of the Mosque in support of its title to the property consists of a few Municipal receipts, the exact nature of which is not known. The materials now available are not quite enough to reach a definite conclusion one way or the other, although it appears that the Moaque has not much proof in its possession of its title to the property. If there has been, in fact, an encroachment on Government property by the Mosque, it is open to the Deputy Commissioner to take possession of the property encroached upon after an enquiry under the provisions of the Land Revenue Code and to clear the

land of all constructions thereon. This seems to be a simpler course than the institution of a suit, which remedy is also available for this purpose.

Suitable action may be taken under the Land Revenue Code by the Deputy Commissioner in the first instance.

The Deputy Commissioner may therefore be addressed.

Regarding the reported objectionable conduct of Janab Vazeer Ahmed, Assistant Commissioner, it would not be possible to take action on surmises and suspicions. Something tangible has to be established

Yours faithfully,

2/3/57

Chief Secretary to Government.

28/2/57

LC/-

CONFIDENTIAL.

GOVERNMENT OF MYSORE.

General and Revenue Secretariat,

No. 17553/CB Dated Bangalore, 8th March 1951

FROM

The Chief Secretary to the Government of Mysore.

To

The Inspector-General of Police in Mysore,
Bangalore.

SIR,

Subject: Encroachment on the vacant land in the premises of the Police Lines opposite to the Electric 'A' Station, Bangalore City.

Ref: Your Confidential letter No. 11/49-50 dated 12.12.1950.

It has to be first established that the land in question belongs to Government before any action is taken. It is not clear how the party was paying assessment and how long he has been in possession of the same. This information may be obtained.

If the party has trespassed on Government land, suitable action could be taken under the Land Revenue Code for eviction. If it does not succeed, a suit appears to be the proper remedy.

It is stated that the land on which the mosque is constructed ~~is~~ was originally S.No. 34 and that one Subhanali Khan was mentioned in the revenue records as its holder. It is not clear whether the land on which the encroachment is now said to have been made, is part of that Survey Number or outside it. The only evidence produced on behalf of the Mosque in support of its title to the property consists of a few Municipal receipts, the exact nature of which is not known. The materials now available are not quite enough to reach a definite conclusion one way or the other, although it appears that the Mosque has not much proof in its possession of its title to the property. If there has been, in fact, an encroachment on Government property by the Mosque, it is open to the Deputy Commissioner to take possession of the property encroached upon after an enquiry under the provisions of the Land Revenue Code and to

clear the land of all constructions thereon. This seems to be a simpler course than the institution of a suit, which remedy is also available for this purpose.

Suitable action may be taken under the Land Revenue Code by the Deputy Commissioner in the first instance.

The Deputy Commissioner may, therefore, be addressed.

Regarding the reported objectionable conduct of Janab Vazeer Ahmed, Assistant Commissioner, it would not be possible to take action on surmises and suspicions. Something tangible has to be established.

Yours faithfully,

Chief Secretary to Government.